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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,127

06/07/2006

Dong-Hyuk Lee

DUI-0001

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CANTOR COLBURN, LLP
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EXAMINER

KHOSHNOODI, NADIA

ART UNIT

PAPER NUMBER

2437

NOTIFICATION DATE

DELIVERY MODE

09/11/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

Office Action Summary	Application No. 10/582,127	Applicant(s) LEE, DONG-HYUK	
	Examiner NADIA KHOSHNOODI	Art Unit 2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary Amendment

Examiner acknowledges the preliminary amendment filed 6/7/2006 in which Applicants have cancelled claims 5-7. Thus, claims 1-4 and 8-10 remain pending in the current application.

Drawings

Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Rejections - 35 USC § 102

I. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

II. Claims 1, 4, and 10 are rejected under 35 U.S.C. 102(e) as being fully anticipated by Taylor et al., US Patent No. 6,728,885.

As per claims 1, 4, and 10:

Taylor et al. teach a network security system/method/computer-readable recording medium comprising: a port monitoring unit for extracting information about a server port being used through a network communication program (col. 5, lines 33-36); an internal permitted program storage for extracting information about a program for which communication is permitted by the firewall, and registering the extracted information (col.5, line 66 – col. 6, line 12); an internal permitted port storage, if the port monitoring unit extracts the information about the server port being used using the program registered in the internal permitted program storage, registering the extracted information about the server port (col. 6, lines 13-25); and a device for making the firewall flexible, determining whether a destination port of a packet of inbound traffic has been registered in the internal permitted port storage, and if the destination port has not been registered, transmitting the corresponding packet to the firewall, and if the destination port has been registered, allowing the corresponding packet to bypass the firewall (col. 5, line 66 – col. 6, line 20; col. 10, line 57 – col. 11, line 3; and Fig. 4, elements 303, 311, & 321).

Claim Rejections - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. Claims 2-3 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al., US Patent No. 6,728,885 as applied to claims 1 and 4 above, and further in view of Yadav, US Pub. No. 2003/0149887.

As per claims 2 and 8:

Taylor et al. substantially teach the network security system as set forth in claims 1 and 4. Furthermore, Taylor et al. teach wherein the information about the program includes information about the program name (col. 5, lines 18-65). Not explicitly disclosed is wherein the information about the program, which is extracted and registered in the internal permitted program storage, includes information about an entire path of the program, and a program Message Digest 5 (MD5) hash value. However, Yadav teaches that an application communicating over a network may be identified by its entire path and message digest hash value (par. 45). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Taylor et al. to register the entire path of the program, in addition to an MD5 hash value in the internal permitted program storage. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Yadav suggests that the file path and the hash value may be used in successfully identifying an application and determining if the application is authorized or not

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for intrusion detection purposes in par. 46.

As per claims 3 and 9:

Taylor et al. substantially teach the network security system as set forth in claims 1 and 4. Furthermore, Taylor et al. teach where the information about the server port stored in the internal permitted port storage includes a protocol and a port (col. 7, lines 4-67). Not explicitly disclosed is wherein the information about the server port, which is extracted and registered in the internal permitted port storage, includes information about an entire path of the program. However, Yadav teaches that an application communicating over a network may be identified by its entire path (par. 45). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Taylor et al. to register the entire path of the program in the internal permitted program storage. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Yadav suggests that the file path may be used in successfully identifying an application and determining if the application is authorized or not for intrusion detection purposes in par. 46.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825. The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nadia Khoshnoodi/
Examiner, Art Unit 2437
9/8/2009

NK

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437